

Members

Sen. Richard Bray, Chairperson
Sen. David Ford
Sen. William Alexa
Sen. Timothy Lanane
Rep. Robert Kuzman
Rep. Dale Sturtz
Rep. Ralph Ayres
Rep. Kathy Richardson
Chief Justice Randall T. Shepard
Judge Ernest Yelton
C. Joseph Anderson, Jr.
William Overdeer
Sarah M. Taylor



COMMISSION ON COURTS

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Authority: IC 33-1-15

MEETING MINUTES¹

Meeting Date: September 28, 2000
Meeting Time: 1:30 P.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Sen. Richard Bray, Chairperson; Sen. David Ford; Sen. William Alexa; Sen. Timothy Lanane; Rep. Robert Kuzman; Rep. Ralph Ayres; Rep. Kathy Richardson; Chief Justice Randall T. Shepard; Judge Ernest Yelton; William Overdeer; Sarah M. Taylor.

Members Absent: Rep. Dale Sturtz; C. Joseph Anderson, Jr..

Senator Bray convened the meeting at 1:40 pm.

Lilia Judson, Executive Director of the Division of State Court Administration of the Supreme Court, presented a status report on the latest weighted caseload study. She distributed excerpts from the collected 1999 Weighted Caseload Statistics (available from the Legislative Information Center as Exhibit 1). The table entitled "Relative Severity by Highest to Lowest Weighted Caseload Measures-County Report" indicates that Howard

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

County, LaPorte County, and DeKalb County are among the counties with the most severe need for additional court personnel. She indicated that the Division is working with judges to revalidate the formulas used in the weighted caseload study for future reports.

Mark Goodpaster, Fiscal Analyst for the Commission, presented a report comparing what cities and towns spend on court operations with the revenues recovered from court fees and other revenues (available from the Legislative Information Center as Exhibit 2). Data was presented on a statewide basis. The Commission asked Mr. Goodpaster to provide information on a court by court basis.

The Commission heard testimony concerning the following proposals for legislative change:

Availability of Jury Lists

Rep. Ayres explained that in 1999 the Commission approved a proposal to make jury lists public records in Lake County and all other counties. It would allow judges to keep the list confidential if the judge believes disclosure would either endanger the safety of potential or selected jurors or lead to jury tampering. He said that he introduced the proposal as HB 1400 in the 2000 Session of the General Assembly (available from the Legislative Information Center as Exhibit 3).

Stephen Key, Hoosier State Press Association, thanked Rep. Ayres and Sen. Bray for their efforts. He stated his belief that public access to jury lists is important because it allows the public to monitor the jury selection process. Mr. Key stated that the practice in most counties is to make jury lists publicly available.

DeKalb County

Judge Kevin Wallace, DeKalb Superior Court, and Judge Paul Cherry, DeKalb Circuit Court, testified in support of adding one superior court judge in DeKalb County. Judge Wallace indicated that a new judge would replace a part-time small claims referee serving the DeKalb Superior Court. He said that the 1998 weighted caseload statistics prepared by the Division of State Court Administration of the Supreme Court indicate that DeKalb County has a need for additional court officers. He indicated that the county has completed the remodeling of the court house to provide space for the additional court. He included letters from the county commissioners, the county council, and the local bar association supporting the proposal as part of the written material that he distributed to the Commission. (A copy of the written material is available from the Legislative Information Center as Exhibit 4.)

Henry County

Judge H. Terrill Harvey, Judge of Henry Superior Court No. 2 submitted information supporting his request for authority to appoint a small claims referee (available from the Legislative Information Center as Exhibit 5). He indicated that the referee was needed to meet the county's goals for equalizing caseloads among the courts in the county. If the county receives authority to appoint a small claims referee, the county intends to eliminate the position of commissioner. Judge Harvey suggested that the language be drafted similarly to the small claims referee language applicable to the DeKalb and Whitley superior courts. Sen. Gard submitted a letter in support of the request (available from the Legislative Information Center as Exhibit 6).

Howard County

Rep. Jim Buck and Rep. Ron Herrell indicated their support of the court request from Howard County.

Jim Martin and Bill Midges appeared on behalf of the Howard County Bar Association. They submitted letters indicating that the Bar Association, the judges of the Howard Circuit and Superior Courts, and the Howard County Board of Commissioners supported the proposal (available from the Legislative Information Center as Exhibits 7 through 9). Mr. Martin, President of the Howard County Bar Association, stated that all of the members of the Howard County Council who are running for re-election were polled. A majority of the members on the Council indicated that they support the proposal. The county attorney was also contacted and he indicated his support for the proposal. Mr. Martin indicated that there is ample building space for another courtroom in Howard County. Mr. Martin pointed out that the Weighted Caseload Study points out the severe need for additional court officers in Howard County.

Marion County

Judge Gerald Zore requested that the Commission endorse a proposal to convert 19 commissioners employed by the Marion Superior Court to full-time, state-paid magistrates. He indicated that the Marion Superior Court employs magistrates, which are fully state funded and commissioners, which are fully county funded. The proposal would:

- (1) ensure that magistrates and commissioners serving the Marion Superior Court would receive equal pay for equal work; and
- (2) free up county money that could then be used to fund:
 - (A) necessary building security measures;
 - (B) additional probation officers needed to meet state guidelines for probation services;
 - (C) staff for a new superior court room authorized by the General Assembly in a prior session; and
 - (D) other necessary staff.

Judge Patricia J. Gifford, Presiding Judge of the Marion Superior Court introduced herself. She provided the Commission with a written description of the proposal (available from the Legislative Information Center as Exhibit 10) and urged the Commission to support the request. In response to a question, Judge Dick Good indicated that the commissioner positions were created under a general grant of power to the courts to appoint personnel as needed to operate the courts.

Conversion of Locally Paid Juvenile Magistrates to State Paid Magistrates

Rep. Ayres urged the Commission to reaffirm its support for the conversion of locally paid juvenile magistrates into state paid magistrates. He noted that last year's Commission proposal was introduced in the 2000 Session as HB 1401 (available from the Legislative Information Center as Exhibit 11). He submitted a letter from Judge Mary R. Harper, Porter Circuit Court, that supports the conversion of the juvenile magistrate in Porter County into a state-paid magistrate (available from the Legislative Information Center as Exhibit 12).

Rep. Ayers indicated that the county is having difficulty finding money to fund the position of juvenile magistrate. It may be eliminated if the state does not provide additional funding.

Allen County Drug Court

Sen. Charles Meeks expressed his support for the Allen County Drug Court request. He indicated that Judge Scheibenber from Allen County will be present at the Commission's next meeting to discuss the request. Sen. Meeks explained that the Allen Superior Court has designated one of its courts to handle drug cases. The court coordinates the delivery of a higher level of services and supervision to aid offenders in rehabilitating themselves. He noted that this concept is having considerable success and may, in some cases, be a less expensive and more effective alternative than incarceration. The issue is that the approach shifts the costs of treatment and supervision from the state Department of Correction to the county. He suggested that the state consider funding the additional expense to the court.

Fiscal Analysis

Mark Goodpaster, Fiscal Analyst for the Commission, provided the Commission with an estimate of the costs to state and local government for each proposal heard by the Commission at this meeting (available from the Legislative Information Center as Exhibit 13).

Senator Bray adjourned the meeting.